

Act is also adopted. I think a Contract Act may well be introduced into this Council before this Bill reaches its final stage. The growing commercial interests of the country and the large industries that are being developed clearly point to the necessity for entertaining the Bill.

Mr. Ramier.—I beg to say a few words in this connection in support of my friend Mr. Kuruvila's motion. In my practice at Quilon and Alleppey, I have been asked on several occasions by respectable merchants why such a law had not been passed for so long a time. During the last four months, there was a heavy case upon Negotiable Instruments, in which the judge expressed more than once the difficulty of solving such questions for want of a Negotiable Instruments Act. I do not think there can be any doubt as regards the necessity for a Negotiable Instruments Act in Travancore, when we bear in mind the class of merchants we have in Quilon and Alleppey, and the magnitude of their transactions. I must say a word in regard to what has been remarked about the attitude of the Vakils' Association in this matter. I cannot agree with my friend Mr. Kuruvila in saying that it is not competent for the Association to express an opinion on the necessity for the Bill. I feel I cannot allow such a remark to go un rebutted. If there is any body in Travancore that is competent to express an opinion on such matters, it is the Vakils' Association. They represent the Bar of the country and through them the general public. I think they will be well-advised in saying whether or not there is need for a particular measure. It would doubtless have been better if they had given us their reasons; but we must take it that they had very good reasons for holding the view that the present Bill is not necessary, and they were quite within their sphere in having expressed that opinion. Without any disparagement, therefore, to their opinion, I support with pleasure the motion to affirm the principle of the Bill.

Mr. Kochukrishna Marar.—As a member of the Vakils' Association who was present at the meeting when the resolution in question was passed, I feel bound to say a word in regard to the remarks just made. The reasons which weighed with the Association in arriving at the opinion expressed in their letter have been so well explained by my friends Mr. Prince and Mr. Ramier, that I have only to emphasise them. Another reason, which has not been mentioned by my friends, is that the Bill being a highly technical one is not easily understood in this country. I must therefore vote against the motion.

Mr. Nagam Aiya.—For the reasons which the experts urge, I would support the motion.

The principle was affirmed by majority, Mr. Kochukrishna Marar dissenting.

Mr. Kuruvila.—As the Bill is a technical measure I beg to suggest that a strong Select Committee be appointed, with a view to secure the assistance of the eminent lawyers on whose cordial co-operation I depend for the conduct of the Bill in its later stages. I would propose the names of Messrs. Thanu Pillai, Prince, Ramier, Kochukrishna Marar and the Mover for the Select Committee, and request that the report be submitted within four months.

Seconded by Mr. Nagam Aiya.

Carried.

THE TOWNS CONSERVANCY AND IMPROVEMENT REGULATION AMENDMENT BILL.

Mr. Thanu Pillai.—I beg to apply for leave to introduce a Bill to amend the Towns Conservancy and Improvement Regulation (II of 1069). This Regulation has been in operation for over four years. Its main feature, as you are aware, is the delegation to bodies of persons some of whom are not paid servants of Government, of the administration of certain matters connected with the sanitation and improvement of the most populous towns. The result of the experimentation has so far been encouraging. Experience, however, has disclosed certain defects in the law and some needs for improvement. These have been brought to the notice

of Government by the several Town Improvement Committees. Their suggestions have been carefully considered by Government, and the Bill of which I have given notice embodies such alterations in and additions to the law as have appeared to Government necessary or expedient.

I do not at this stage intend to go into the details of the Bill, but I think I should say a word on one amendment which involves a very important principle.

Local wants, like appetites, grow by what they feed on. Every increase in the annual allotment is invariably followed by demand for more funds. The Committees which are generally composed of gentlemen of great local knowledge and no less local interest, can and do perceive the need for improvements in various directions and naturally desire to effect them. But, unfortunately, most of the good things in this world cannot be had for nothing. They have to be paid for. The budget estimates submitted by the Committees usually contain many fresh items of expenditure which are doubtless important. But Government, not being the happy possessor of a *Fortunatus's* purse, is obliged to subject the budget to thinning and pruning, to the great annoyance possibly of the gentlemen who, at great sacrifice of time and convenience, have undertaken the civic functions. But Government by no means does this with a light heart. Apart from the question of the propriety of diverting for purely local purposes the general revenues of the State, the resources of Government are necessarily limited; and in view of the growing demands for expenditure in the interests of the general tax payers, it would be impossible for Government to raise the Municipal allotments so as to adequately meet the increasing wants of the towns. At the same time these wants cannot be neglected. It becomes therefore necessary to devise some plan by which the object aimed at may be secured, that is, to provide means for carrying into effect the improvements necessary for the health, comfort and convenience of the civic population. We have in this, as in other matters, the advantage of being able to pick up wrinkles from British India where the same problem presented itself for solution. There, as you all know, the local wants are chiefly met from funds locally collected. This is in fact the rule in almost all civilised countries. If the urban population would combine and voluntarily raise the required funds and carry out the needful improvements, State interference would not, of course, be called for. But this at present at all events is not possible. As observed by a great English statesman, there is in each town a 'clean party' and a 'dirty party'—that is, a party which is in favour of sanitary improvements, and a party opposed to all such measures—and it is extremely difficult to persuade the latter party, which possibly is numerically strong in some of our towns, into accepting the usefulness of sanitary reforms. Moral sanction being thus clearly inefficacious, legal sanction becomes necessary.

The above considerations have induced Government to embody in the proposed Bill a provision enabling them to raise small local contributions, when the funds they are able to provide out of the general revenues are found to be inadequate to meet urgent and important local wants. I am in a position to assure the Council that in taking this step, Government have not overlooked the considerations which may be urged against local taxation.

The measure is by no means prompted by a desire to increase the revenue of the State. It aims at arresting the tendency to appropriate for the benefit of the urban population, an undue proportion of the funds contributed by the general public, of whom the former represents a small fraction. Sufficient safe-guards will be provided in the law itself to prevent all possibility of the power being exercised in a manner which would prove obnoxious or irksome to the persons concerned. I may just indicate a few of these safe-guards.

It is not intended to throw on the town population the whole burden of local expenditure. The existing grants from the State Treasury will be continued, the contributions which may be raised under the proposed measure being intended only to *supplement* such grants. The fund thus formed will be devoted entirely to purposes of town conservancy and improvement. All other services such as the Police,

Medical, Educational, &c. which are usually transferred to Municipalities in British India will continue to be maintained, as now, wholly at Government cost. The local rates charged will in no case exceed fifty per cent of those leviable under the British Indian Acts. The purposes for which additional funds are needed, and the sources from and the manner in which they are to be raised, will, as far as possible, be determined with the consent of the Committees, and provision will be made for so constituting the Committees as to ensure that, so far as may be, they reflect the views and represent the interests of those whom their resolutions would affect.

I think I have said enough on the most important amendment in the Bill. I do not mean to touch on the other amendments at this stage beyond observing that they are all intended to supply the omissions and remove the difficulties which the practical working of the law has brought to light.

Permission was granted accordingly.

THE CIVIL PROCEDURE CODE AMENDMENT BILL.

Mr. Thanu Pillai.—I beg to ask for permission to introduce another Bill, namely, the Civil Procedure Code Amendment Bill. I have only a word to say about it. In connection with the State Life Insurance Scheme recently introduced, it was found necessary to embody in the Civil Procedure Code, provisions similar to those contained in the British Indian Act IX of 1897, to protect the Insurance Fund from attachment, and Government thought that the opportunity might be taken to amend the Code in other respects also. Our Code, it will be noted, was based upon the British Indian Code which has since been amended. Opinions were invited and the High Court favoured Government with their suggestions. These suggestions were duly considered and the Bill which I now move for leave to introduce embodies such amendments as have been considered necessary. As the Statement of Objects and Reasons sufficiently explains the several provisions, I think there is no need for me to enter into further details at this stage.

Leave was granted accordingly.

VAKILS REGULATION AMENDMENT BILL.

Mr. Ramier.—With the permission of the Council, I beg to apply for leave to introduce a Bill to amend the Vakils Regulation of 1040. It has been in force for thirty-four years, and the altered condition of things at the present day calls for a better Regulation on the subject, on the lines of the Legal Practitioners Act in force in British India.

Permission was granted accordingly.

The Council adjourned at 5-30 P. M.

K. KRISHNASWAMY RAO,
President.